

UNITED STATES DISTRICT COURT  
District of Massachusetts

LOUIS RASETTA, TRUSTEE	)	
International Union of Operating Engineers Local 4	)	
Pension Fund, ET ALS.,	)	
Plaintiffs	)	
v.	)	Civil Action No. 04-12463-MLW
	)	
PENNEY CONSTRUCTION, ET AL.,	)	
	)	
Defendants	)	

STIPULATION OF DISMISSAL  
AND  
NOTICE OF DISMISSAL

In accordance with Rule 41(a)(1) of the Federal Rules of Civil Procedure, the Plaintiffs and Defendant Penney Construction Corp. stipulate that the above-captioned matter is dismissed with prejudice and without costs. Further, as neither the Reach and Apply Defendant, T.R. White Co., Inc. nor the Trustee, Sovereign Bank, have served an answer or motion for summary judgment, the Plaintiffs hereby dismiss the actions against them.

Plaintiffs

LOUIS RASETTA, ET. ALS.



Randall E. Nash

BBO #546963

11 Beacon Street, Suite 500

Boston, MA 02108

(617)742-5511

Date: May 31, 2006

Defendant

PENNEY CONSTRUCTION CORP.



Rodney B. Simmons, Jr.

BBO#647874

25 Crescent Street

Brockton, MA 02301

(508)584-2693

Date: MAY 19, 2006